

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4

5 DEPOSITION OF MAURO CANTALAMESSA  
6

7 NIKI FRENCHKO, )  
8 )  
9 Plaintiff, ) Case No.  
10 VS. ) 4:23 CV 00781  
11 )  
12 PAUL MONROE, ET AL. )  
13 )  
14 Defendants. )

15 Deposition taken in the above-entitled cause, pursuant  
16 to Agreement before Jodie L. Algarin, a Notary Public for  
17 the State of Ohio, on September 13, 2023, to be used  
18 pursuant to the Rules of Civil Procedure or by agreement  
19 of counsel in the aforesaid cause of action, pending in  
20 the United States District Court for the Northern District  
21 of Ohio, Eastern Division.  
22  
23  
24  
25

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## STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that this deposition may be taken at this time, 2:26 p.m., September 13, 2023, at the offices of Atty. David Betras, 6630 Seville Drive, Canfield, Ohio.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Jodie L. Algarin, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness's signature to the finished transcript of his deposition is not waived; and that the deposition will be available for the witness to read and sign the finished transcript of his deposition.

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1 WHEREUPON,  
2 MAURO CANTALAMESSA,  
3 called as a witness, having been first  
4 duly sworn by the Notary Public to testify  
5 the truth, the whole truth and nothing but  
6 the truth, was examined and testified as  
7 follows:

8 CROSS EXAMINATION

9 BY MR. MILLER-NOVAK:

10 Q. All right. Is it all right if I call you  
11 Mauro?

12 A. Sure. Absolutely.

13 Q. I'll probably admittedly butcher your name.

14 A. That's okay. Everybody does.

15 Q. I'll spill things, knock them over. All  
16 right. So you're being deposed today. Do you mind  
17 stating your name for the record and spelling it?

18 A. Mauro, M-A-U-R-O, Cantalamessa,  
19 C-A-N-T-A-L-A-M-E-S-S-A.

20 Q. Thank you. Have you ever been deposed  
21 before?

22 A. I have.

23 Q. Okay. When?

24 A. Probably about four or five months ago.

25 Q. More than once have you been deposed?

1 A. Yes.

2 Q. A handful of times?

3 A. Probably a handful of times, yeah.

4 Q. More than three?

5 A. Yes, I'd say.

6 Q. Cool. All right. Well, I guess I'll still  
7 go over kind of like those regular deposition guidelines  
8 for kind of an update or something.

9 A. Sure.

10 Q. But at the same point in time, I won't get  
11 too in deep with them. It sounds like you got a little  
12 experience under your belt. So as you know, you're under  
13 oath right now, and she is recording everything we say in  
14 written word, right?

15 A. Sure.

16 Q. Because of that, there are just some things  
17 to consider. First, if it's a yes or no answer, please  
18 say yes or no, not like uh-huhs or huh-uhs so she doesn't  
19 get it backwards, right?

20 A. Yes.

21 Q. And then we're going to do our best to try  
22 to not interrupt one another, so let me finish my question  
23 and then answer so the record doesn't get all confused,  
24 okay?

25 A. Of course.

1 Q. If for any reason today I ask a question  
2 that you don't understand, feel free to ask me to clarify  
3 it, because if you answer my question and -- you know, I'm  
4 going to take what you say as truth, obviously.

5 And don't feel like you're insulting me or  
6 something like that, because I don't always ask perfect  
7 questions. They're not all perfectly scripted, and I'll  
8 ask a few wonky questions admittedly. So if you don't  
9 understand my question, please ask, okay?

10 A. Sure.

11 Q. And I'm sure you know from your other  
12 depositions, if you need to take a break for any reason,  
13 you're allowed to take a break. You're not bootstrapped  
14 down here for good until I release you for the bathroom or  
15 anything, so let me know if you need to take a break, all  
16 right?

17 A. Thank you.

18 Q. The only thing I ask is if I have a question  
19 on the table, you answer it, all right?

20 A. (Nodding head.)

21 Q. I always hate this question, but I always  
22 feel the need to ask it because that's how I was trained.  
23 So don't feel the need to tell me what it is, but are you  
24 on any medication today, without identifying it, that  
25 would interfere with your ability to recall or recollect

1 things?

2 A. No.

3 Q. Okay. So nothing's interfering with your  
4 ability to testify honestly today?

5 A. No.

6 Q. Okay. Great. So how long have you been a  
7 commissioner in Trumbull County?

8 A. About eight and a half years.

9 Q. Okay. And do you have any prior government  
10 experience before that?

11 A. Just as a precinct committeeman. That's  
12 quasi governmental, I guess. It's more party oriented  
13 than it is -- political oriented than it is government.

14 Q. It means you're like the state central  
15 committee?

16 A. I wasn't even a state -- I was just a  
17 precinct person for the Democratic party, but they are  
18 elected in your precinct.

19 Q. Right. The party members elect you?

20 A. Correct. No. The -- yes. The party  
21 members -- the members of the Democratic party that live  
22 in that precinct elect you.

23 Q. You're referring to -- you're saying  
24 precinct. I mean, do you kind of mean -- it's the one  
25 that appears on the ballot in November; you actually get



1 elected through the board of elections then, correct?

2 A. Yes.

3 Q. And I think right now the current law is  
4 it's one man and one woman from every district; is that  
5 correct?

6 A. I'm not sure how that works anymore. I'm  
7 not a precinct committeeman anymore.

8 Q. Okay. I think it was changed in 2014 to  
9 read that way. So how long were you in the Democratic  
10 precinct or leadership?

11 A. I think it was like -- I think it was four  
12 years.

13 Q. Yeah?

14 A. Yeah.

15 Q. Okay. And then what's your work history  
16 prior to that? Because I'm assuming a precinct member is  
17 not a day job.

18 A. No.

19 Q. Okay.

20 A. So I was a teacher at Austintown Fitch  
21 High School for -- something wrong?

22 Q. I graduated from Fitch.

23 A. Did you?

24 Q. What year did you teach?

25 A. It was 2000 to 2002 -- well, half of 2002.

1 Q. What did you teach?

2 A. High school English.

3 Q. Marino still there at the time?

4 A. He was. He was a good friend, too.

5 Actually, so was -- oh, my gosh, his name -- Pazesco  
6 (phonetic spelling)?

7 Q. Okay.

8 A. He was the speech and debate coach. I  
9 can't think of his name right now.

10 Q. Okay. Yeah.

11 A. I know he since passed, unfortunately. He  
12 was sort of a mentor of mine when I was there.

13 Q. Okay. Was that your kind of like first  
14 career gig? Because there's a difference between having a  
15 job and a career, right?

16 A. Yeah. Out of college, and that was my  
17 first -- I actually was speech and debate coach there,  
18 and I was a high school English teacher there as well.

19 Q. And then after you -- did you change schools  
20 after 2002 or --

21 A. No. I just gave that up and I went to  
22 work for the family business, the restaurant, which is  
23 Enzo's Restaurant. My father passed away,  
24 unfortunately, and my brother was in law school at the  
25 time, I believe, and I went back to the family business

1 and helped my mom. We ran that until I got elected.

2 Q. Is Enzo's Restaurant still in business now?

3 A. It is.

4 Q. Do you have any involvement in that?

5 A. Just sort of ancillary involvement. I'm  
6 not on the payroll or anything, but still go in and help  
7 out from time to time.

8 Q. Where is it located?

9 A. In Warren. 2918 Elm Road in Warren.

10 Q. May try it sometime.

11 A. Yeah, please do.

12 Q. And you were doing the restaurant biz when  
13 you were a precinct leader, correct?

14 A. Yes, yes.

15 Q. Okay. So you decided -- and the precinct is  
16 Democratic party, correct?

17 A. Yeah. I believe I can remember the  
18 precinct where I was living. It was Warren 3K.

19 Q. Okay.

20 A. If you needed to know that.

21 Q. Doesn't hurt. So what made you take the  
22 jump from doing the precinct thing to running for  
23 commissioner?

24 A. At the time it was -- it was sort of  
25 bandied about in my family. My one uncle said --

1 because it was around that time in Trumbull County  
2 that -- you're probably not familiar with it, but there  
3 was a big changeover in the commissioners' office where  
4 Jim Tsagaris wasn't running. He was -- not longtime  
5 commissioner, but he was there for some time, and it  
6 wasn't under the best circumstances that he was leaving.

7 And my one uncle kept telling me, they need a young  
8 businessman to go in there and do that, and I was like,  
9 yeah, you know, maybe I'll run, one of those things.  
10 And he started telling people I was running already, and  
11 people were coming to the restaurant saying I heard  
12 you're running for commissioner and all this.

13 So it was sort of at first begrudgingly because I  
14 was just kicking it around. I didn't really 100 percent  
15 commit to it. But as people started coming in and I  
16 started doing a little bit more research into the  
17 position and I just took more of an interest in it, I  
18 just -- it happened. I don't know. It just sort of  
19 snowballed. So that first time I ran, I lost.

20 So but after doing that, obviously you get the bug  
21 kind of, and I don't know, you feel like there was  
22 unfinished business. I came in second in the Democratic  
23 primary, and I think it was a five-man -- four-man race.  
24 I wasn't even expecting to do that well, to tell you the  
25 truth, being the newcomer.

1           So then, you know, I had given it up for a little  
2 while and I didn't think about it. I was back at the  
3 restaurant, and, unfortunately, Paul Heltzel, who was a  
4 longtime commissioner in Trumbull County, had passed  
5 away, and I remember where I was. I was on the golf  
6 course, and somebody called me and said, hey, did you  
7 hear Commissioner Heltzel passed away? Are you going to  
8 run? I hadn't even thought about running because this  
9 was maybe -- I ran in '06, and this was in '14. I  
10 think -- yeah. It was '14, because I took office in  
11 September of '14. I believe it was September of '14,  
12 yeah.

13           So anyway, there's an unexpired term that you have  
14 to run for, and I thought there was a lot of Democrat  
15 political heavyweights that were going for it like Steve  
16 Papalas and Glenn Holmes; and anyway, different  
17 individuals that were going for it, but I threw my hat  
18 in the ring, and it was going to be a party appointment  
19 at first, and ended up getting the appointment, and in a  
20 runoff second ballot that kind of probably no one put  
21 money on to do, but I think people were looking for a  
22 different political outsider that wasn't in the system  
23 for a long time. I'm speculating.

24           So anyway, from that point forward, I've been  
25 serving since '14. Then I had to run for the unexpired

1 term, and then I ran for two of my own full terms.

2 Q. So Frank would have been around at that  
3 time, right?

4 A. Frank was there when -- Frank and Polivka  
5 were there when I got elected initially, yes.

6 Q. Okay. So at that time all three  
7 commissioners were involved in the Democratic party; is  
8 that correct?

9 A. Correct, correct.

10 Q. Okay. And then what was Frank's  
11 relationship to your campaign? Did he endorse it? Did he  
12 help out?

13 A. Well, ironically, in the first campaign I  
14 ran against Frank.

15 Q. Okay.

16 A. And that's who I came in second to.

17 Q. Okay.

18 A. But, no, he didn't endorse me. He  
19 endorsed Glenn Holmes, who is also very capable  
20 candidate and very good guy who I'm friends with today;  
21 but, yeah. He was in favor of Glenn Holmes during my  
22 campaign.

23 I don't think either commissioner was with me,  
24 because the other -- Polivka was with -- not that you  
25 care, but Polivka was with Cabala (phonetic spelling).

1 Frank was pushing for Glenn Holmes.

2 Q. But after the primary, Frank supported your  
3 general campaign and ticket?

4 A. Yeah, yes. I'm sorry.

5 Q. That's fine. Did he support your reelection  
6 like during your primary the next time you were up for  
7 primary? Did Frank support you?

8 A. I believe so, yeah. I don't know that for  
9 certain, but I think he was with me. You never know,  
10 you know, but --

11 Q. And then, you know, it wasn't long ago that  
12 Ms. Frenchko ran for office, correct?

13 A. Correct.

14 Q. And at that point when she was running for  
15 office, all three commissioners were Democrats, correct?

16 A. Correct.

17 Q. And she ran as a Republican; is that  
18 correct?

19 A. Correct.

20 Q. And she won the election, so now there's --  
21 there was two Democrats at the time. It was you and  
22 Mr. Fuda as well as Niki, correct?

23 A. Correct. But ironically enough,  
24 Commissioner Fuda was supporting Commissioner Frenchko  
25 and not the Democrat chairman or his fellow

1 commissioner, Commissioner Polivka. I don't know if  
2 that's relevant, but it is what it is.

3 Q. You said it. It's on the record now.

4 A. He has the magnets and T-shirts to prove  
5 it.

6 Q. So I take it your education is probably  
7 English and just ed. or something like that? English  
8 major with a certification in education?

9 A. Exactly, 7 through 12.

10 Q. Because you didn't stay the five years, you  
11 didn't have to get the master's degree they required?

12 A. No, no. Sometimes I wish I did.

13 Q. My wife was a teacher. Just extra school  
14 debt. So what about Sheriff Monroe? When was he first  
15 elected; do you know?

16 A. Boy. Trying to think when Monroe got on  
17 board. Was it when Commissioner Frenchko won or was it  
18 before then?

19 Q. I honestly don't know. I'm asking the  
20 question.

21 A. Yeah.

22 Q. I don't remember. If you don't know, you  
23 don't know.

24 A. He's been there at least -- I would say at  
25 least -- he's in his first term, I know that. Maybe



1 past his first term.

2 Q. When Sheriff Monroe was running for office,  
3 did you ever host any fundraisers or anything like that  
4 for him?

5 A. The restaurant did, yes.

6 Q. Okay. So you supported his candidacy?

7 A. Yes.

8 Q. Okay. Do you know where Monroe's campaign  
9 headquarters was at the time?

10 A. I have no idea.

11 Q. Okay. Did he ever use the restaurant to do  
12 campaign business other than a fundraiser?

13 A. Never.

14 Q. I want to talk to you a little about  
15 commissioners' meetings, probably a lot --

16 A. Okay.

17 Q. -- as you could imagine.

18 A. Sure.

19 Q. So it sounds like to me that your first true  
20 government gig was being a commissioner?

21 A. Pretty much.

22 Q. Okay. So the commissioners' meetings are  
23 really for the commissioners to do business, correct?

24 A. Correct.

25 Q. And during a commissioners' meeting, you

1 vote on resolutions, correct?

2 A. Correct.

3 Q. You set certain county policies?

4 A. For the most part, yes.

5 Q. And, in large part, you hold the purse  
6 strings, I guess, of the county, correct?

7 A. Correct.

8 Q. And your county, which is a little  
9 different, you don't have a county administrator, correct?

10 A. Correct.

11 Q. So you don't have a head of your  
12 administrative branch to necessarily set administrative  
13 policies, correct?

14 A. Well, the -- those counties that don't  
15 have administrators have the three commissioners that  
16 govern all that.

17 Q. Right.

18 A. There are several counties in Ohio that  
19 have that.

20 Q. Well --

21 A. And several boards of township trustees  
22 that don't have it. They manage to get by.

23 Q. Yeah, I've seen that. Practice law in a lot  
24 of counties. You're the first one I've personally come  
25 across without an administrator. I'm not saying you're

1 wrong.

2 A. There's 88, and I think 50 that have  
3 administrators.

4 Q. Yeah.

5 A. So there's quite a few that don't.

6 Q. So essentially, then, you're saying that the  
7 county board of commissioners acts as the county  
8 administrator then? You do what an administrator would  
9 normally do as a commissioners' body?

10 A. Typically, yes.

11 Q. Okay. So when you're in the meetings, like  
12 in the commissioners' meetings, I guess in that regard you  
13 sometimes have a little bit more business to handle than  
14 some other commissioners would in other counties that have  
15 an administrator; would you agree with that?

16 A. I think the business would be the same.  
17 The discussions would be the same. I mean, you still  
18 have to vote on everything and discuss it if it warrants  
19 it. So, I mean, you just have another level of  
20 bureaucracy that the people that would -- the department  
21 heads would go to the administrator as opposed to coming  
22 to the board. And then in this case you're saying the  
23 administrator would go -- so it's just another layer, I  
24 guess.

25 Q. So when the commissioners have a meeting,

1     though, I mean, it's really -- it's a commissioners'  
2     meeting, correct?

3     A.             Correct.

4     Q.             It's not really an employees' meeting; would  
5     you agree with that?

6     A.             It's a commissioners' meeting, yes.

7     Q.             Yes. You might invite employees from time  
8     to time to, like, give a report and ask them questions?

9     A.             Especially if they're on the agenda, a  
10    department. Say a sanitary engineer has a resolution on  
11    the agenda, he's usually there just in case it needs to  
12    be explained or something like that.

13    Q.             Okay.

14    A.             Or anybody has any questions.

15    Q.             And who sets the agenda?

16    A.             Each commissioner can put on any -- we  
17    have a policy that each commissioner can put on any  
18    resolution that they would like to have on the agenda.

19    Q.             Okay.

20    A.             It's not just one commissioner just -- I  
21    mean, it's whatever commissioner wants to put something  
22    on the agenda can do that.

23    Q.             And then you vote on the agenda to approve  
24    that agenda at the beginning of the meeting, correct?

25    A.             To approve the agenda?

1 Q. Yes.

2 A. To approve the agenda of the legislation  
3 that's going to go on that day?

4 Q. Yes.

5 A. Well, we vote on each resolution  
6 independently.

7 Q. No, I understand that. I'm not talking  
8 about like -- I'm having a fog here. I'm not talking  
9 about a consent agenda.

10 A. Okay.

11 Q. That's different. That's like when you vote  
12 to approve all the stuff. I'm talking about approving the  
13 agenda itself, the order of business and things like that.  
14 I'm pretty sure I'm looking at your minutes and you guys  
15 do vote to approve the agenda at the beginning of the  
16 meeting.

17 A. Approve the minutes of the prior agenda.

18 Q. Well, minutes and agenda are different,  
19 correct?

20 A. Correct.

21 Q. Because the minutes are the recording of  
22 what happened at the meeting. The agenda is the order of  
23 business that's going to occur at the meeting before it  
24 occurs.

25 A. So you're saying before all the agenda

1 items are written we agree on that agenda and we vote on  
2 that agenda?

3 Q. No. I'm talking about when you get into the  
4 meeting, you open the meeting, you start the meeting,  
5 right?

6 A. Yes.

7 Q. One of the first orders of business is to  
8 vote to approve the agenda as written at that point,  
9 correct?

10 A. I don't believe so, no.

11 Q. You guys don't vote to approve the agenda  
12 before your meeting?

13 A. No, because any commissioner can put  
14 anything on the agenda, so it wouldn't matter if we  
15 approved it or not.

16 Q. But you do have an agenda?

17 A. Yes.

18 Q. And you follow the agenda in the order that  
19 it's listed?

20 A. We make the best effort to do that, yeah.  
21 Sometimes we get off track.

22 MS. SUDHOFF: I think I'm hearing a noise  
23 from a phone.

24 (Off the record.)

25 Q. Okay. We're back at it.

1 A. Absolutely.

2 Q. Sorry for the distractions.

3 A. You're fine.

4 Q. So you're saying any commissioner can add  
5 stuff to the agenda, and then you have the agenda and you  
6 try to follow the order of that agenda, correct?

7 A. We do. We do.

8 Q. All right. When you want to add stuff to  
9 the agenda in the middle of the meeting, do you guys take  
10 a vote -- a motion and vote to add something to the agenda  
11 in the middle of a meeting?

12 A. No. I didn't know that -- I'm not aware  
13 that we had to do that. I know that people can make  
14 motions from the floor, and that's often what happens.

15 Q. I mean, what rules of decorum do you apply  
16 to your meetings?

17 A. Robert's Rules of Order is typically what  
18 we follow, what we use as a guideline to follow.

19 Q. And did you incorporate Robert's Rules of  
20 Order through a resolution, or is it just, hey, we kind of  
21 do this?

22 A. I believe it's by resolution in the  
23 beginning of the year.

24 Q. At your organizational meeting in January?

25 A. I believe so, yes.

1 Q. And in your organizational meeting in  
2 January of 2022, did you incorporate Robert's Rules of  
3 Order?

4 A. I believe so.

5 Q. When you did that, did you say you were just  
6 going to use the rules as a guideline or you just  
7 incorporated the Robert's Rules of Order?

8 A. I think we just incorporated it, yeah.

9 Q. Okay. What do the Robert's Rules of Order  
10 say about the agendas?

11 A. About which part?

12 Q. I mean, setting an agenda. Is there a  
13 process layed out in Robert's Rules of Order for that?

14 A. If there is, I'm not familiar with it.

15 Q. Okay. At one point were you the presiding  
16 officer of the commissioners?

17 A. I was.

18 Q. Did you guys use Robert's Rules of Order  
19 then?

20 A. Yes.

21 Q. Okay. And you never familiarized yourself  
22 with Robert's Rules of Order?

23 A. I mean, I'm familiar with them in the  
24 proceedings, yeah.

25 Q. Have you ever read Robert's Rules of Order?



1 A. Yes.

2 Q. The whole book or just part of it?

3 A. Parts of it.

4 Q. What parts?

5 A. Especially when you're president, how to  
6 conduct a meeting.

7 Q. Okay. What did you learn by reading it?  
8 How do you think you should conduct a meeting?

9 A. Well, typically you should stay on agenda,  
10 and you should stay on task as far as resolutions go;  
11 and you shouldn't probably discuss things that don't  
12 have to do with the resolution. There should be some  
13 sort of professionalism as far as not talking over each  
14 other. The votes need to be taken in a clear, concise  
15 manner.

16 I mean, a lot of it is functional and should be  
17 used as a guideline as to how to run a meeting. I mean,  
18 do you often go off script or sometimes other people  
19 have passionate interjections and you have to rein  
20 somebody in? Yes, unfortunately. That happens in all  
21 meetings.

22 Q. Okay. Do you ever feel like you have  
23 passionate moments where you go off script?

24 A. Typically, no. I mean, I think I do when  
25 confronted with something that's untrue or something

1     that's -- that I believe is a half truth or an  
2     assumption.

3     Q.             Do you ever interrupt people when they're  
4     speaking?

5     A.             I'm not sure. I may, yeah. I may.

6     Q.             Frank is the presiding officer now, correct?

7     A.             You mean Denny?

8     Q.             He was during the relative time period.  
9     Relevant time period, correct?

10    A.             Correct.

11    Q.             So in summer of 2022, Frank was the  
12    presiding officer?

13    A.             I believe so.

14    Q.             Is it Denny Malloy now?

15    A.             It is.

16    Q.             Okay. When Frank was the presiding officer,  
17    did you ever ask his permission before you spoke?

18    A.             Typically, no. I mean, because you just  
19    wait until somebody's finished and then, you know -- we  
20    never had an issue with it in the past. I mean, I know  
21    that you usually address the Chair and -- but there's  
22    always been a level of professionalism and civility as  
23    far as everybody trying to speak -- not trying to speak  
24    out of turn. And that's evidenced by the six years  
25    prior to the time in question when we had very

1 streamlined, thoughtful and respectful meetings.

2 Q. So I guess when you say in the time in  
3 question, you're referring to before Commissioner Frenchko  
4 was elected?

5 A. Thereabouts.

6 Q. Okay. But before she was elected, there  
7 were three commissioners that all came from the same  
8 political party, correct?

9 A. Correct.

10 Q. Okay. When she's elected, now there's a  
11 dissenting party. There's a minority party in the  
12 chambers, correct?

13 A. Not necessarily. I think Frank supported  
14 her along the way, so I don't know if that was  
15 dissenting or not.

16 Q. Okay. But you would agree Ms. Frenchko ran  
17 for office, and she ran as a Republican, correct?

18 A. Correct. With Frank's support. I agree.

19 Q. Okay. And that she currently sits in that  
20 office as a Republican, correct?

21 A. Correct.

22 Q. And at the time it was her as a Republican  
23 and two Democrats, correct?

24 A. Just as now, correct. Just as now, it's  
25 two Republicans and one Democrat.

1 Q. Correct. So would you agree with the  
2 statement that the rules of decorum need to be applied  
3 evenly regardless of a speaker's viewpoint?

4 A. Yes. Except if there's an outright -- I  
5 would say this. This is how I would clarify that. If  
6 you're going to -- if there's going to be some sort of  
7 liability towards the county in a statement or there's  
8 going to be the potential for legal exposure by somebody  
9 saying something that's untrue or -- and it will be  
10 recorded onto the record as something that is true and  
11 could be looked at, I think it's incumbent upon somebody  
12 to speak up at that point.

13 Q. So you think if someone's saying something  
14 that's false --

15 A. Something that's putting the county at  
16 risk.

17 Q. Okay. Let me finish my question, because  
18 I'm just trying to clarify your statement.

19 A. Sure.

20 Q. So when you say that you feel like if  
21 someone's saying something that's not true that could  
22 expose the county to liability, it's incumbent upon  
23 someone to speak up?

24 A. Correct.

25 Q. Do you mean interrupt that person and stop

1       them?

2       A.               I mean, if need be, at some point, yeah.

3       Q.               Okay. Even if that statement's about you  
4       and not somebody else?

5       A.               How do you mean if it's about me?

6       Q.               Well, let's say that another commissioner  
7       was saying something about you and you thought it was  
8       false, do you think that means you should speak up and  
9       interrupt them?

10      A.               Depending on -- depends on what it is, I  
11      guess. I don't know.

12      Q.               Okay. So if you feel like someone's saying  
13      something untrue, then it's okay to interrupt them and  
14      tell them it's a lie?

15      A.               Not necessarily, no. I didn't say  
16      something untrue. I said something that's going to put  
17      the county at risk.

18      Q.               Okay.

19      A.               Which the county has been at risk on  
20      multiple occasions over the course of this period.

21      Q.               So have you ever, during a meeting,  
22      interrupted Ms. Frenchko and tell her she's lying while  
23      she's talking?

24      A.               Yes.

25      Q.               Okay. Because you thought it would put the

1 county at risk?

2 A. Usually.

3 Q. Okay. Have you ever interrupted her when  
4 she was saying something about you and call her a liar?

5 A. I'm not sure.

6 Q. Okay. If you did, do you think that's okay?

7 MS. SUDHOFF: Objection. Speculation. Go  
8 ahead and answer.

9 A. I'm not sure.

10 Q. Okay. Why do you think you should stop an  
11 elected official from saying something that's not true,  
12 that you think is not true?

13 A. Because in the case of the board of  
14 commissioners, unfortunately, as we see with these  
15 lawsuits, one member of the board can hold the whole  
16 board liable. That's why we have all these lawsuits  
17 against the board of commissioners. So at some point  
18 it's incumbent upon the other board members to clarify  
19 what's going on here.

20 Q. So when you say libel, has the board itself  
21 been sued with libel?

22 A. Not with libel, but the board's been sued.

23 Q. Okay. So your opinion is or your statement  
24 is that you believe that you should be able to interrupt  
25 or stop a commissioner from saying something that you

1 think could expose the county to -- that you can expose  
2 the county to liability?

3 A. I have said on numerous occasions that we  
4 need to stick to the agenda, and we try to rein  
5 everybody back into the agenda. When we get off course,  
6 I say you should probably hold a press conference.  
7 That's the best way to go back. If you need something  
8 that needs to be said that bad, hold a press conference,  
9 because this agenda is for these purposes.

10 Q. Okay. So then your point is that it's more  
11 important to stay on the agenda?

12 A. Typically.

13 Q. Right. Because if you want to make some  
14 kind of political statement that's not on the agenda, then  
15 that's not appropriate?

16 A. Agreed.

17 Q. On July 7th, 2022, when Paula read Sheriff  
18 Monroe's letter, it wasn't on the agenda, was it?

19 A. No.

20 Q. The sheriff is not a commissioner, correct?

21 A. Correct.

22 Q. And earlier when we talked about the  
23 meetings and what their purpose was for, it's to do  
24 commissioners' business, correct?

25 A. Correct.

1 Q. So the meetings don't really exist for the  
2 sheriff to make political statements, correct?

3 A. Correct, but I don't know if that was --  
4 are we talking about the letter being a political  
5 statement? I guess you're assuming that I think that's  
6 a political statement.

7 Q. Okay. What do you think it was?

8 A. I think that there was some accusations  
9 made against the sheriff, and he was trying to -- I  
10 mean, I'm speculating. There was some accusations made  
11 against him, and I think he was trying to clarify those  
12 things.

13 Q. Okay.

14 A. For the record.

15 Q. But the commissioners' meeting's not for the  
16 sheriff to do his communications, and it wasn't on the  
17 agenda, correct?

18 A. That's the only way -- well, he probably  
19 should have held a press conference. You're right.

20 Q. Right. He could have held a press  
21 conference, right?

22 A. Probably should have.

23 Q. He didn't need the commissioners' meeting to  
24 make a statement?

25 A. I mean, typically, no, but, I mean, that's



1 happened in the past where a lot of different elected  
2 officials -- not so much anymore, because we don't have  
3 elected officials coming to our meeting, but there used  
4 to be a lot of updates from agencies and elected  
5 officials and different -- different entities that used  
6 to come there, like the regional chamber and used to  
7 update the commissioners. The port authority used to  
8 come and update the commissioners.

9 Elected officials used to come and clarify certain  
10 things. That doesn't happen anymore, so was it unheard  
11 of that at commissioners' meetings we talked about other  
12 things in public comment that weren't a part of the  
13 agenda, yes.

14 Q. But it wasn't read during public comment?

15 A. I don't know when it was read.

16 Q. Okay. Well, my recollection from -- I  
17 think, was that it was not read at the end of the meeting  
18 during public comment. It was just read.

19 A. I don't know -- I don't remember when it  
20 was read.

21 Q. All right. Did the commissioners invite the  
22 sheriff to come in and make a statement?

23 A. No. I didn't.

24 Q. Okay. Did the commissioners take a motion  
25 and vote to add that letter to the agenda?

1 A. No.

2 Q. So Frank just unilaterally had -- just  
3 unilaterally had the clerk read it, correct?

4 A. Correct. But, again, I think it's worth  
5 noting that commissioners can put anything they want on  
6 the agenda, and commissioners oftentimes make -- as  
7 Commissioner Frenchko does -- makes motions from the  
8 floor without ever saying anything to the other two  
9 commissioners, is this okay to put on the agenda. So  
10 that happens all the time.

11 Q. But he didn't make a motion, did he?

12 A. Neither does anybody from -- well, no,  
13 didn't make a motion. But, I mean, nevertheless,  
14 anybody can make a motion at any time to say something  
15 to put on the agenda, and it's still out there, you know  
16 what I mean? You can't, like, stop somebody from making  
17 a motion.

18 Q. But when motions are made, people vote on  
19 motions.

20 A. I wasn't -- I don't know how he got -- how  
21 that letter got to the clerk. I heard Frank tell her to  
22 read it, but I had nothing to do with it.

23 Q. I mean, you're saying you follow Robert's  
24 Rules of Order and that's your rules of decorum, correct?

25 A. Correct.

1 Q. I mean, isn't the basic principle of  
2 Robert's Rules of Order is that you have an agenda and if  
3 you want to amend it, you make a motion and take a vote on  
4 it?

5 A. Typically, yes.

6 Q. Okay. So you're saying that all the time  
7 commissioners just toss things out then, correct?

8 A. All the time.

9 Q. Okay. So then you don't really follow  
10 Robert's Rules of Order?

11 A. You can't stop a commissioner from making  
12 a motion from the floor.

13 Q. So you can't stop a commissioner from making  
14 a motion on the floor. Why not?

15 A. Because our prosecutor's office deemed it  
16 was okay. We asked for prosecutor's opinion.

17 Q. When was that?

18 A. When Commissioner Frenchko came on board.  
19 I would have to -- I would have to research it. I don't  
20 know the exact day, but there is a prosecutor's opinion  
21 that says that.

22 Q. Well, I mean, I think what we've established  
23 here a little bit is that commissioners don't ask to speak  
24 before they speak, correct?

25 A. Correct.

1 Q. And that they don't -- they can add stuff to  
2 the agenda?

3 A. At any time during the meeting.

4 Q. Okay. And they can make a motion at any  
5 time, right?

6 A. They can make a motion to add something to  
7 the agenda, and then it would, you know, either get  
8 voted on or die for lack of a second.

9 Q. Okay. But on July 7th, 2022, Frank Fuda did  
10 not make a motion to add anything to the agenda.

11 A. Not that I recall.

12 Q. And no one voted on it?

13 A. Not that I recall.

14 Q. Okay. So you're saying you got a  
15 prosecutor's opinion any commissioner can make a motion to  
16 add something to the agenda?

17 A. Uh-huh. Any commissioner can put an  
18 agenda item on. Doesn't need another commissioner to  
19 okay that agenda item as well.

20 Q. In the middle of the meeting or at the  
21 beginning of the meeting?

22 A. Before the meeting, at any time.

23 Q. Has Commissioner Frenchko ever tried to make  
24 a motion and wasn't allowed to make a motion from the  
25 floor?

1 A. I don't recall. Again, we also have time  
2 before the meeting. Any commissioner can put anything  
3 on the agenda they want voted on at any time.

4 Q. Was Commissioner Frenchko ever refused the  
5 opportunity to put something on the agenda beforehand?

6 A. We had started -- now that you say that,  
7 we had started a -- because, unfortunately, what was  
8 happening is Commissioner Frenchko was putting something  
9 on week after week after week, the same things that were  
10 getting -- that weren't getting a second. So she was  
11 putting those on, so we said, as a rule, a commissioner  
12 can put something on -- I believe it was three times  
13 before you can't put it on anymore. In other words, you  
14 exhaust those three times, if it doesn't get a second,  
15 you can't just keep putting it on the agenda at all  
16 times.

17 Because we were voting on things, you know, week  
18 after week after week that wasn't getting a second, so  
19 it was taking up time and resources just to continually  
20 put that on the agenda.

21 Q. Isn't that how laws change? Isn't that how  
22 laws change?

23 A. Yeah. I agree, and that's why you give  
24 the person ample opportunity to -- you know, not just  
25 one meeting, you can go back and do your research, maybe

1 a second meeting, maybe a third meeting, but at some  
2 point if we're at a stalemate and this is how the vote's  
3 going to go, I mean, I think we're wasting everybody's  
4 time here.

5 I mean, at one point we had agenda items that were  
6 saying that we need to be called commissioner, that we  
7 need to be addressed as commissioner in our office. And  
8 if you're going to put that on time and time and time  
9 again, I don't agree with that. We don't have to be  
10 called commissioner. Call me Mauro as you do today.

11 Q. Do you know anything about a person's  
12 ability to film meetings?

13 A. They can film meetings, yes.

14 Q. There's nothing wrong with someone filming a  
15 meeting?

16 A. Unless they're like a foot from your face.

17 Q. Did you ever pass any rules about where a  
18 person can stand when they're filming a meeting?

19 A. No.

20 Q. Kind of change subjects here a little bit.

21 A. Sure.

22 Q. So what model cell phone did you own during  
23 July of 2022?

24 A. It's going off right now. I'm sorry.

25 Q. That's okay.

1 A. Whatever this model is. I don't know.

2 Q. Is it the same phone?

3 A. Yes.

4 Q. Okay. I feel like your Interrogatories said  
5 maybe it's an iPhone 12?

6 A. If that's -- I'm assuming that's what this  
7 is. I don't know. You're welcome to look at it and  
8 take the cover off.

9 Q. I don't want to do that.

10 MS. SUDHOFF: I'll look in settings after.

11 A. I don't know what the oldest are. I lost  
12 track of all that.

13 Q. Does the county pay for your phone?

14 A. No.

15 Q. Does the county pay for any employees'  
16 phones?

17 A. I'm not sure. I think they do.

18 Q. Do you know whose phones they pay for?

19 A. I don't offhand.

20 Q. Do you know if the county pays for the  
21 secretary's phone?

22 A. I believe they did, yeah.

23 Q. Okay. What's that person's name?

24 A. Dawn Gedeon, I believe.

25 Q. Okay.

1 A. But I think that was done -- she received  
2 a phone -- I mean, it wasn't the whole time I was there.  
3 She just received a phone in the last two years maybe,  
4 three years.

5 Q. Okay. Does she still have that phone?

6 A. I'm not sure.

7 Q. You don't know if she returned that phone?

8 A. I don't.

9 Q. When you use your cell phone, do you ever  
10 use it to, I don't know, call county employees?

11 A. Sometimes.

12 Q. Kind of talk -- I don't know, probably talk  
13 to a certain department head or something like that  
14 about --

15 A. If I have a question, yeah.

16 Q. Get answers and do some county business on  
17 it?

18 A. (Nodding head.)

19 Q. Do you ever text message county employees?

20 A. I have in the past, yeah.

21 Q. Okay. Like Paula Vivoda-Klotz, for  
22 instance? Do you text message her?

23 A. I think I had in the past, yeah.

24 Q. Give her instructions about work?

25 A. Maybe not instructions about work. If I



1 have a question on something usually.

2 Q. Okay. So if you had a question for the  
3 clerk, you might text message her and get the answer?

4 A. Or call her.

5 Q. Okay.

6 A. Or see her at the office.

7 Q. Yeah. Do you ever call Frank using your  
8 county phone?

9 A. Had I ever?

10 Q. Yeah.

11 A. I don't really call him anymore, but yeah.

12 Q. Okay. So sometimes you would call Frank and  
13 discuss just kind of like what's going on in the county?

14 A. Not typically, no. Just -- I mean, we  
15 discuss what we -- I mean, it wasn't like county  
16 business, you know. We were aware that you don't  
17 discuss that typically. But, yeah, we did talk a lot.  
18 I mean, you're with somebody every day and they become  
19 part of your family almost.

20 Q. Have you ever received public records  
21 training?

22 A. Yes.

23 Q. When?

24 A. Recently. Within the last month.

25 Q. Did you ever receive public records training

1 prior to July 7th, 2022?

2 A. I don't believe so.

3 Q. Are you aware of whether or not there's a  
4 record retention commission?

5 A. I'm aware of it, yeah.

6 Q. Who's on it?

7 A. Not sure.

8 Q. Okay. Have you ever reviewed the records  
9 retention policies for the county?

10 A. I have, but I don't remember it right now.  
11 I don't remember what exactly it says.

12 Q. Okay. Do you have any recollection or  
13 knowledge of what they say regarding maintenance of text  
14 messages?

15 A. Not offhand, no. I don't remember.

16 Q. Have you ever submitted any of your text  
17 messages to records retention commission before deleting  
18 them?

19 A. I haven't.

20 Q. How long does your phone -- do you ever  
21 delete your text messages from your phone?

22 A. I don't.

23 Q. Do you have any setting on your phone that  
24 deleted --

25 A. I did at one time have a setting on my

1 phone that deleted after, I think, 90 days or something  
2 like that.

3 Q. After 90 days?

4 A. I believe it was, yeah. And that was --  
5 this phone is through our business -- I mean, we have a  
6 business account. We have a business account.

7 Q. How do you know it was 90 days?

8 A. Because I had to go in and manually change  
9 it.

10 Q. When did you do that?

11 A. When I found out that it was set that way.  
12 Fair amount after that. I didn't know.

13 Q. Okay. You said when you discovered it was  
14 set that way. When did you discover it was set that way?

15 A. About the time Commissioner Frenchko told  
16 me, or I said it to Commissioner Frenchko prior to that,  
17 I think.

18 Q. Prior to that?

19 A. Yes.

20 Q. And when you said that -- how did it get set  
21 that way?

22 A. Well, when we go into AT&T -- I've been  
23 dealing with the same guy there for the most part  
24 forever, and it's one of the business phones through  
25 Enzo's Restaurant, and my mom has hers set a certain

1 way, and he must have -- when I went in with her, he was  
2 like, do you want the same settings? I was like, yeah.  
3 And I wasn't even aware that my phone did that until I  
4 started looking through -- when somebody asked me for  
5 something and said, hey, can you pull up that, I'm like,  
6 my phone doesn't keep it.

7 Q. So when you went in to change it --

8 A. Yeah.

9 Q. -- you said it was set for 90 days?

10 A. It was either -- I don't remember if it  
11 was 30, 60, 90, I think, once I looked at it. It was  
12 one of those.

13 Q. Okay. And did the phone tell you the number  
14 at the time?

15 A. It did, but I don't remember. I just  
16 wanted to take it off. Again, I didn't even know that  
17 the phone was capable of doing that. I thought once you  
18 had a text message on your phone, it was there.

19 Q. When you got the phone with the restaurant,  
20 were you currently a commissioner at that time?

21 A. I think so, yeah. I had to have been.

22 Q. I want to go back to July 7th, 2022.

23 A. Okay.

24 Q. Do you believe that Niki should have been  
25 arrested?

1 A. That's not for me to determine.

2 Q. You have no opinion about it whatsoever?

3 A. I mean, I'm not a law enforcement officer.

4 I don't know.

5 Q. So you didn't make any statements to the  
6 media along the lines that she should have been arrested?

7 A. No.

8 Q. So you didn't weigh in on your opinion about  
9 whether or not her arrest was appropriate after she was  
10 arrested?

11 A. No. With the media?

12 Q. Yes.

13 A. No.

14 Q. Channel 21 or is it 27 around here?

15 MS. FRENCHKO: 27.

16 A. I don't know.

17 Q. Okay. So in the other depositions what's  
18 described is that -- Paula's the clerk, correct?

19 A. Correct. Well, not anymore, but yes, she  
20 was.

21 Q. She was the clerk at the time, and Frank  
22 instructed her to read the sheriff's letter, correct?

23 A. That's how I remember it, yeah.

24 Q. I was going to go ahead and pull that out,  
25 because I want to ask you a few questions about it.

1 A. Okay.

2 Q. I don't want to try to torture your memory.

3 So we're going to use Exhibit 1 here.

4 A. Okay.

5 Q. Have you ever seen this letter before?

6 A. Yes.

7 Q. So this letter was sent to the commissioners  
8 before that meeting, correct?

9 A. Correct.

10 Q. According to this, you received it on  
11 July 5th, 2022, correct?

12 A. I'm assuming, yeah, yeah. I don't  
13 remember seeing it that day, but yeah.

14 Q. And at the meeting it was read was two days  
15 later, correct?

16 A. Correct.

17 Q. Okay. So when Fuda had it read, all the  
18 commissioners had already read it probably; isn't that  
19 correct?

20 A. I read it before the meeting, I know that.

21 Q. Right. Because it was sent to you?

22 A. Right.

23 Q. So it wasn't read for the benefit of the  
24 commissioners, then, correct?

25 A. It wasn't read for the benefit of the

1 commissioners? I don't know. I didn't want it read. I  
2 didn't -- I just took it as correspondence.

3 Q. Okay. So you didn't know it was going to be  
4 read that meeting?

5 A. No.

6 Q. Okay. And you didn't want it read?

7 A. I mean, I don't have an opinion on it. If  
8 another commissioner wants to read something, typically  
9 they do that.

10 Q. Okay. But why would a commissioner need to  
11 order something read that was already emailed to the  
12 commissioners?

13 A. Maybe to make light of it. I don't know.

14 Q. To make it public?

15 A. Make it public.

16 Q. Correct?

17 A. I would think.

18 Q. And wouldn't you agree this letter makes  
19 critical statements about Commissioner Frenchko?

20 A. About her work or personally?

21 Q. I mean, about -- about her conduct and  
22 criticizing both Dr. Malvasi as well as the jail?

23 A. Yeah, I'd say it's critical of it.

24 Q. Yeah. It's critical. It says she doesn't  
25 follow some complaint procedure, correct?

1 A. Uh-huh.

2 Q. Do you think that a sheriff has the ability  
3 to force you as a commissioner to follow specific  
4 procedures?

5 A. No.

6 Q. You don't work for him, do you?

7 A. Unless it's illegal. Other than that, no.

8 Q. Right. I guess if you're selling drugs on  
9 the street corner --

10 A. Right.

11 Q. Right?

12 A. Right.

13 Q. But in terms of telling you that you need to  
14 follow his employee handbook, he has no ability to tell  
15 you that, correct?

16 A. Correct.

17 Q. All right. So there's a letter saying that  
18 a commissioner needs to follow a particular procedure,  
19 correct?

20 A. Pretty much, correct.

21 Q. All right. And I want to go just really to  
22 the last two paragraphs.

23 A. Okay.

24 Q. Because I think it sums up the point rather  
25 succinctly. The reckless behavior -- you see this at the



1 end of the second to last paragraph, Mauro?

2 A. Okay. Yes.

3 Q. Attorneys are good pointers.

4 A. They sure are.

5 Q. Yep. So at the end it says, the reckless  
6 behavior of Commissioner Frenchko should not be tolerated  
7 by Trumbull County citizens nor other elected officials as  
8 it puts taxpayer dollars and efficient necessary  
9 departmental operations at risk. Do you see that?

10 A. I do see that.

11 Q. That's pretty stern criticism, correct?

12 A. It's a criticism, yes.

13 Q. Right? And it says, I am requesting a  
14 public apology from Commissioner Frenchko as a first step  
15 to regaining public trust. Do you see that?

16 A. I do.

17 Q. So it demands an apology, correct?

18 A. Requests an apology.

19 Q. Requests an apology. I expect the apology  
20 to be delivered in the same public forum as the  
21 publication of the false accusations, correct?

22 A. That's what it says.

23 Q. Okay. So this letter accuses Commissioner  
24 Frenchko, basically, of making false accusations, correct?

25 A. That's what it looks like, yes.

1 Q. It requests an apology, correct?

2 A. Correct.

3 Q. And it expects that her apology would occur  
4 in the same public forum of which her alleged false  
5 accusations are made, correct?

6 A. Correct.

7 Q. Okay. So Ms. Klotz is done reading the  
8 letter and Commissioner Frenchko sits down and she starts  
9 to respond to this letter, right?

10 A. (Nodding head.)

11 Q. That Commissioner Fuda had read into the  
12 record, correct?

13 A. Correct.

14 Q. Okay. And when she was responding, at some  
15 point you say that you're being disruptive. You're  
16 talking about the top law enforcement official in the  
17 county, correct?

18 A. I do say that, yes.

19 Q. Why did you say that?

20 A. Because he is, and because I think the  
21 allegations that were made from Commissioner Frenchko  
22 were not substantiated to begin with, and I think that  
23 the sheriff has a right to respond. Whether or not it  
24 should have been read or not, that's different, but I  
25 think the sheriff has a right to respond.

1           And then when she goes off and attacks him once  
2 again, I just don't think that makes for very good  
3 government. Number one, he is the top law enforcement  
4 officer in the county. I'm not saying anything that's  
5 untrue, and ideally the criticism that took place on  
6 both sides should have happened probably between the two  
7 of them, in my opinion, not aired at a commissioners'  
8 meeting or even at a press conference.

9           If they could have gone over everything that was  
10 actually being done in the sheriff's department and the  
11 jail with Dr. Malvasi, that a lot of this would have  
12 been resolved.

13 Q.           You said it was disruptive for her to make  
14 critical statements about him because he's the top law  
15 enforcement official in the county.

16 A.           You have to remember, you have to look at  
17 all the past meetings up until this point. There's been  
18 disruption after disruption after disruption at all  
19 these public meetings that we've never had in the past,  
20 so at some point when we get these differences of  
21 opinion that are being aired publicly, it's becoming a  
22 chaotic mess; and, in my opinion, it is being disruptive  
23 by continuing this conversation.

24 Q.           Okay. So you're saying it's disruptive  
25 because she's airing her opinion about that letter?

1 A. She's already aired her opinion on the  
2 sheriff. The sheriff is responding to her in this  
3 letter.

4 Q. Well, she aired her opinion about the safety  
5 and the doctors and she talked -- she basically read a  
6 letter from a member --

7 A. But --

8 Q. Let me finish. Sorry.

9 A. That's all right.

10 Q. We don't want to screw up the record.  
11 Sorry, dude.

12 A. Go ahead. You're right.

13 Q. So we didn't want -- she was responding -- I  
14 mean, initially she made -- she read a letter from a  
15 mother of an inmate?

16 A. Uh-huh.

17 Q. And she discussed concerns she had about the  
18 safety in the jail, correct?

19 A. Correct.

20 Q. And he responds with a letter that's  
21 privately emailed to the commissioners, correct?

22 A. Correct.

23 Q. Commissioners read it probably two days  
24 before that meeting, correct?

25 A. I believe -- I don't remember when I

1 received it.

2 Q. You read it?

3 A. I read it for sure before the meeting. I  
4 don't know about two days before.

5 Q. She may have read it, correct?

6 A. Potentially. I don't know.

7 Q. Frank had the opportunity to read it,  
8 correct?

9 A. Correct.

10 Q. So it was read into the public. Earlier you  
11 said to shed light on it, you assumed, correct?

12 A. I don't think -- I think -- and, again,  
13 I'm speaking for the sheriff, and I don't feel  
14 comfortable doing that, but I think there were things  
15 said about the sheriff and the sheriff's department that  
16 the sheriff wanted disputed and were probably one-sided,  
17 and there was a different side to it, and he was trying  
18 to shed light on that through this. That's all I'm  
19 saying.

20 Q. Okay.

21 A. But I can't speak for the sheriff, so -- I  
22 don't know why he read it.

23 Q. The letter speaks for itself, correct?

24 A. Correct. But I don't want to assume  
25 exactly the motivation behind this from the sheriff. I

1 don't know.

2 Q. Okay. Well, and I don't mean to disagree  
3 with you, because I think the letter says that the things  
4 that you said are untrue, and I demand an apology,  
5 correct?

6 A. Correct. I mean, it says that, yes.

7 Q. Okay.

8 A. It does say that.

9 Q. So Commissioner Frenchko, when she sat down,  
10 she's trying to respond to accusations that her statements  
11 were false, correct?

12 A. Correct.

13 Q. And --

14 A. I believe.

15 Q. She hadn't addressed accusations from the  
16 sheriff she's a liar previously, had she?

17 A. Not that I know of. I don't know if she  
18 had a conversation with the sheriff personally, but it  
19 didn't sound like she did, no.

20 Q. That wouldn't have been repetitive, then,  
21 right?

22 A. I don't know.

23 Q. I mean, in that meeting, she had not brought  
24 up the sheriff at that point?

25 A. At that meeting, no, but in a prior

1 meeting she had.

2 Q. Okay. So you're saying she should have been  
3 arrested by what happened in a prior meeting?

4 A. I'm not saying that at all.

5 Q. Okay. So you're saying that her conduct is  
6 disruptive on July 7th, 2022, because of her conduct in  
7 prior meetings?

8 A. I said that she was being disruptive and  
9 that the entire proceeding was being disruptive. I  
10 stand by that statement that she was being disruptive.

11 Q. But she didn't start the debate; you would  
12 agree with that, correct?

13 A. Actually, she did. In prior weeks she  
14 did. Because this letter would have never been crafted  
15 if she didn't say something publicly about the sheriff  
16 already.

17 Q. Right.

18 A. May or may not have been true. I don't  
19 know.

20 Q. Okay. But in that meeting on July 7th,  
21 2022, the debate about the jail and Dr. Malvasi began when  
22 Commissioner Fuda had that read into the record, correct?

23 A. I mean, that started this conversation,  
24 yes.

25 Q. Yes. Commissioner Fuda opened the floor to

1 that conversation, correct?

2 A. By reading the letter into it, yeah, I  
3 would say pretty much, yeah.

4 Q. Okay.

5 A. You start this discussion, put it that  
6 way.

7 Q. And did he relinquish his Chair when he  
8 started that discussion?

9 A. Did he relinquish his Chair?

10 Q. Yes.

11 A. No.

12 Q. Okay. So he started a discussion by reading  
13 a critical letter into the record about Commissioner  
14 Frenchko, correct?

15 A. A letter that the sheriff had addressed to  
16 all of us that I feel that the sheriff was trying to, in  
17 my opinion -- and, again, I don't want to speak for the  
18 sheriff or say what he's trying to do here, but I feel  
19 that the sheriff felt he was being attacked at one of  
20 the prior meetings and that there's another side to this  
21 story, and he's trying to get that across in this  
22 letter.

23 Q. But he also asked for an apology?

24 A. He did, yeah.

25 Q. So there's two motivations, then, correct?



1 A. Well, he didn't ask for a public -- yeah,  
2 he did ask for a public apology.

3 Q. He asked for an apology during the same  
4 forum that the accusations were made.

5 A. You're right. You're right.

6 Q. So he's asking for an apology during a  
7 public meeting?

8 A. Yes.

9 Q. Right?

10 A. Because those issues were brought up at a  
11 public meeting.

12 Q. Right.

13 A. I'm not defending. I'm just telling you  
14 what he's --

15 Q. Well, but the same point in time, the letter  
16 states what it states. You're an English teacher so --  
17 right?

18 A. Right.

19 Q. So the beginning of the letter there tends  
20 to be a thesis statement, correct?

21 A. Yes.

22 Q. You taught English composition. And then  
23 you have a body that supports that thesis, correct?

24 A. Typically, yeah.

25 Q. And in the end you have a conclusion that

1 echoes that thesis, correct?

2 A. Correct.

3 Q. Okay. Well, this letter is kind of set up  
4 in that format; would you agree?

5 A. It is.

6 Q. So the thesis is essentially you said things  
7 that I think are not true about our operation, correct?

8 A. Correct.

9 Q. You didn't follow proper procedure, correct?

10 A. You're saying that's what the sheriff is  
11 saying?

12 Q. Yes.

13 A. Correct.

14 Q. And here's all my stuff supporting that  
15 argument, correct?

16 A. Or some of it, correct.

17 Q. And at the end he echos this thesis that she  
18 made false accusations, correct?

19 A. Correct.

20 Q. And he says, I expect you to apologize in  
21 the same forum that you make those accusation, correct?

22 A. Correct.

23 Q. And Mr. Fuda caused that to be read into the  
24 record, correct?

25 A. As I recall, yes. Commissioner Fuda.

1 Q. Okay. So that was his movement to start  
2 that conversation then, correct?

3 A. Commissioner Fuda's?

4 Q. Yes.

5 A. I believe so, yes.

6 Q. And he did not relinquish his Chair at that  
7 point, did he?

8 A. He did not relinquish his Chair, not that  
9 I know of, no.

10 Q. Right. Because after Ms. Klotz was done  
11 reading that letter, Commissioner Frenchko sits back down,  
12 correct?

13 A. I believe so. I don't remember.

14 Q. And she begins to --

15 MS. SUDHOFF: Can we take a break when  
16 you're done with this question or group of questions so  
17 I can run to the bathroom?

18 MR. BETRAS: You want a bathroom break  
19 now; is that what you're saying?

20 MS. SUDHOFF: Yeah.

21 MR. MILLER-NOVAK: We're on the record.

22 MS. SUDHOFF: That's fine. I don't care.

23 Q. So she begins to address that letter,  
24 correct?

25 A. Who's she?

1 Q. Commissioner Frenchko.

2 A. I believe so, yeah.

3 Q. Okay. And it was --

4 A. Can I just -- by this time, there had been  
5 statements made by a commissioner about the sheriff and  
6 now the sheriff making statements about a commissioner.  
7 I wanted this -- I didn't want this to happen in this  
8 type of public forum, so, you know, this sort of back  
9 and forth with attacking each other wasn't at all  
10 productive, in my opinion.

11 Q. Okay. But you said you didn't want it to  
12 happen, but Mr. Fuda's the one that caused it to happen  
13 during that specific meeting, correct?

14 A. I don't have any control over Mr. Fuda.

15 MR. MILLER-NOVAK: Okay. Go ahead and go  
16 to the bathroom.

17 (Off the record.)

18 Q. So when Niki sits back down -- I think this  
19 is where we left off.

20 MR. MILLER-NOVAK: Actually, do you mind  
21 rereading the last question I asked?

22 (Whereupon the record was read as requested.)

23 Q. So -- but you would -- I didn't ask whether  
24 or not you had control over him. I understand you don't.  
25 He seems like a pretty independently capable human being.

1 My question is whether or not he's the one that initiated  
2 the conversation during that particular meeting.

3 A. Initiated the conversation about this  
4 letter?

5 Q. Yes. So when Niki sits back down to respond  
6 to the allegations in this letter, it was at that point in  
7 time that you had mentioned you believe she was being  
8 disruptive because she was talking about the top law  
9 enforcement official in Ohio?

10 A. Well, I -- if memory --

11 Q. Or Trumbull County.

12 A. If memory serves me correctly, I think  
13 that Commissioner Fuda was trying to get order back into  
14 the meeting, and she kept -- or tried to get us back on  
15 track, and then she kept reading, and then I said you're  
16 being disruptive.

17 Q. Well, when you say he's trying to get her  
18 back on track, but he's the one that introduced a new item  
19 into the agenda, i.e., this conversation?

20 A. It's not really an item into the agenda,  
21 but, yeah, he had the clerk read this into the record,  
22 but -- you know -- lost my train of thought. I'm sorry.

23 Q. Well, but, I mean, following kind of I think  
24 what your own descriptions of events are is that he  
25 presents this letter, she sits back down and she's

1 responding to it, and he says he wants to move on because  
2 he wants to, quote, unquote, get it back on track?

3 A. He does say that, or something to that  
4 effect.

5 Q. But he's the one that put it on that track.

6 A. But he's the chairman of the board, too.

7 Q. But he doesn't relinquish his Chair at that  
8 point in time.

9 A. No.

10 Q. So under Robert's Rules, you think it's  
11 appropriate for the Chair to initiate a conversation and  
12 then not relinquish his Chair?

13 A. I don't know.

14 Q. Okay. So you don't know whether or not  
15 Robert's Rules expressly addresses that issue?

16 A. I don't offhand, no.

17 Q. I mean, let's try to just ask your opinion.  
18 Do you think it's fair for a chair to start a debate on a  
19 particular topic that includes accusations against another  
20 commissioner, and when she responds say we're moving on?

21 MS. SUDHOFF: Objection. Speculation. Go  
22 ahead and answer.

23 THE WITNESS: Still answer?

24 MS. SUDHOFF: Yes.

25 A. I'm not sure.

1 Q. I mean, to you, did it appear impartial?

2 A. Did it appear impartial?

3 Q. Yes.

4 A. I mean, they're all public records anyway,  
5 so if they were read into the record, it really wouldn't  
6 matter.

7 Q. I'm talking about his maintain ordering --  
8 his maintaining the flow of the meeting. For him to start  
9 with a critical letter and to say that a response to that  
10 letter is off track, does that seem like an impartial  
11 ruling?

12 A. Well, I think in order to understand that,  
13 you have to go back and understand that there was a  
14 critical letter read from another commissioner that was  
15 allowed to read her letter at a prior meeting, and this  
16 is in response to that, so --

17 Q. But that was at a prior meeting.

18 A. Correct. But it still needs to be  
19 probably addressed or else it's there for the record.

20 Q. But if he responds to that letter, why can't  
21 she address that letter so it's on the record?

22 A. That's up to the Chair to decide that.

23 Q. But the Chair's the one that started the  
24 conversation.

25 A. And I -- that's up to the Chair to decide

1 who's speaking and who's not, I guess. I don't know.

2 Q. So there are no rules that apply to the  
3 Chair?

4 A. I think at the end of the day,  
5 Commissioner Frenchko had her chance to read a letter  
6 that no one interrupted, and Commissioner Fuda read a  
7 letter -- or had somebody read a letter without any  
8 interruption, and I think it was just to clear the air.  
9 It wasn't meant to be a debate.

10 Q. No. It was meant to demand an apology.

11 A. I don't know if that's what he -- I don't  
12 know if that's what Commissioner Fuda wanted. I think  
13 he was reading this in order to show the public that  
14 there's a response to what Commissioner Frenchko said.

15 Q. Well, the response was that Ms. Frenchko's  
16 statements were misrepresentations, that they were  
17 dishonest.

18 A. Correct.

19 Q. Okay. Had Ms. Frenchko, previous to that  
20 moment, ever had an opportunity to respond to Sheriff  
21 Monroe calling her a liar essentially?

22 A. Well, if she had the letter on July 5th  
23 and the meeting was on July 7th, she had all the time in  
24 the world to call a press conference.

25 Q. So did Sheriff Monroe, but that's not what



1 happened. What happened was is the letter was read into  
2 the public.

3 A. Okay.

4 Q. She didn't -- how could she have a press  
5 conference prior to July 7th to respond to a letter being  
6 read into a meeting that had not yet been read into the  
7 meeting?

8 A. I don't know what she did or didn't do. I  
9 guess -- this is a public document. If a chairman wants  
10 to read it into the record or have it read into the  
11 record, that's on the chairman.

12 Q. Okay. And then -- so you're saying another  
13 commissioner isn't allowed to express her viewpoint into  
14 that letter?

15 A. The other commissioner did express her  
16 viewpoint prior to that meeting.

17 Q. No. She expressed her viewpoint about a  
18 different scenario, not about being accused for being a  
19 liar.

20 A. I think we're going around and around  
21 here. I don't know. I don't know what you're asking, I  
22 guess.

23 Q. Well, if you think that another commissioner  
24 was calling you a liar --

25 A. It happens all the time.

1 Q. -- you wouldn't want to respond?

2 A. Sometimes you just let it go.

3 Q. Okay. And sometimes you do respond, right?

4 A. Sometimes you do.

5 Q. So there's been times where she said  
6 something about you and you wanted to tell her she was a  
7 liar, correct?

8 A. Or that it's a lie, yes.

9 Q. Okay. And have you ever interrupted her to  
10 say that?

11 A. Yes.

12 Q. Has Fuda told you to stop?

13 A. I don't remember. I don't know.

14 Q. Were you arrested?

15 A. No.

16 Q. Okay. So if a commissioner accuses you of  
17 something and you interrupt her to call her a liar and  
18 you're not arrested or Fuda doesn't stop you, what's  
19 different about her?

20 MS. SUDHOFF: Objection. Compound.

21 A. I don't know what's going on. I don't  
22 know what that question is.

23 Q. That's fine. That's fair. So if you're  
24 saying -- what you're just saying is that in the past when  
25 you feel like Commissioner Frenchko has said something

1 that's dishonest, you've interrupted her and said you're a  
2 liar?

3 A. Or that that's a lie. I didn't say you're  
4 a liar. I said that's a lie or that's a half truth or  
5 that's an assumption.

6 Q. And when she continued to talk, did you  
7 continue to interrupt her?

8 A. Typically, no. She talks uninterrupted  
9 after that, but I interject for the record that I feel  
10 that that's an assumption or a lie.

11 Q. So in a circumstance where you think she's  
12 lying to you and you say that's a lie or you're lying, she  
13 continues to talk and you stop interrupting her every  
14 time?

15 A. Say that again. I'm sorry.

16 Q. So when she's talking and you feel like  
17 she's lying and you interrupt her and you call her -- you  
18 tell her she's lying and she continues to talk, you stop  
19 interrupting her at that point?

20 A. I mean, every situation's different. I  
21 don't know. You're saying when she does this you do  
22 this. I mean, I don't know if I can answer that  
23 question. It's different on every occasion.

24 Q. Have you ever interrupted her more than once  
25 when she's talking about something?

1 A. Potentially, yes.

2 Q. And has Frank told you to stop when you do  
3 that?

4 A. Not that I remember.

5 Q. Has Frank told you -- were you arrested when  
6 you did that?

7 A. Was I arrested when I --

8 Q. When you interrupted her more than once.

9 A. No.

10 Q. Did Frank say that the meeting needs to move  
11 on?

12 A. Yes.

13 Q. Okay.

14 A. Sorry. Can I check my phone real quick?

15 Q. Absolutely. I'm just going to be toying  
16 around here.

17 (Off the record.)

18 Q. I'm going to play a small portion of a video  
19 of a meeting.

20 A. Okay.

21 Q. And I'm going to hold out that this is the  
22 August 10th -- not sure if it's --

23 A. August 10th of last year?

24 Q. Of 2022.

25 A. Okay.

1 (Recording being played.)

2 Q. So I think the basics of what I heard is you  
3 feel like she is not telling the truth?

4 A. I'm trying to recall the context of all  
5 this. It was about hiring Bill Rieger.

6 Q. Yes.

7 A. For the educational highway.

8 Q. Okay.

9 A. I'm assuming.

10 Q. So you feel like she's not telling the  
11 truth, and you called for Frank to stop her?

12 A. Well, as you can clearly hear in that, I  
13 said I talked to Julie Green about this, and she says  
14 Julie Green told you what to do.

15 Q. Uh-huh.

16 A. That's not what happened, though. So you  
17 can't say I talked to Julie Green, and then she says,  
18 well, Julie Green told you what to do. She's making a  
19 complete assumption. Julie Green and I discussed this,  
20 and then I did it. This is where it gets off the rails,  
21 because just having a discussion with somebody doesn't  
22 mean they told you what to do.

23 Q. So you think because what she's saying is  
24 dishonest, you instruct Frank to tell her to stop?

25 A. In this case, yes.

1 Q. Okay. So he's stopping her because --

2 A. I think I said let's get some order.

3 Q. Okay. Let's get some order because you feel  
4 like she's falsely accusing you of something?

5 A. Uh-huh.

6 Q. Okay. So how is it disorderly for someone  
7 to falsely accuse you of something?

8 A. How is it disorderly?

9 Q. How is it disruptive?

10 A. I think it's disruptive.

11 Q. So it's disruptive when you don't like the  
12 opinion of Ms. Frenchko?

13 A. No. It's disruptive when I'm telling you  
14 exactly what happened and you're misconstruing it and  
15 saying something else.

16 Q. So when she disagrees with you it's  
17 disruptive?

18 A. Not disagreeing with me. I'm trying to  
19 tell you exactly what happened, and she's not believing  
20 it and created this narrative as to what happened in her  
21 own mind when she wasn't in on the conversation.

22 Q. Okay. So it's about what's going on in her  
23 own mind?

24 A. I'm not saying that. I'm just saying  
25 she's accusing me of something; I'm trying to explain it

1 away. I'm trying to explain exactly what happened.

2 Q. Uh-huh. And because you feel like she  
3 wasn't agreeing with that that becomes disruptive and  
4 throws things off the rails?

5 A. Well, I'm trying to explain to her  
6 something, and she's interrupting me.

7 Q. She was the one talking, wasn't she?

8 A. Huh-uh. When I'm answering the question,  
9 she's interrupting me.

10 Q. Well, at one point you answered it and she  
11 was responding and starting to speak again, and then you  
12 interrupted her again, correct?

13 A. Because she's saying something that I  
14 didn't say.

15 Q. Okay. Because you feel like she's  
16 misconstruing what you said, so therefore you interrupted  
17 her to correct her?

18 A. Correct.

19 Q. Isn't that precisely what she did on  
20 July 7th, 2022?

21 A. No.

22 Q. So she wasn't saying that's not true when  
23 Paula Klotz was reading a letter?

24 A. She didn't say that that wasn't true when  
25 Paula Klotz was reading the letter.

1 Q. Yeah. When Paula Klotz was reading the  
2 letter on July 7th, 2022, when Ms. Frenchko was talking,  
3 she was saying that's not true. Those are the statements  
4 that were coming out of her mouth at the time, correct?

5 A. That were coming out of her mouth?

6 Q. Yes, coming out of Commissioner Frenchko's  
7 mouth. She was saying --

8 A. Do we have an audio of that?

9 Q. We do.

10 A. Can we play that? Because I don't want to  
11 speculate. If we have the audio, let's hear it.

12 Q. Sure.

13 A. I mean, if we've got the audio, you can  
14 hear exactly what's going on.

15 MS. SUDHOFF: Do you have a time that you  
16 started the August 10th recording?

17 MR. MILLER-NOVAK: About 33 minutes and 40  
18 seconds, I believe. Or 33:45. Actually, I don't. I  
19 tell you what, recording says what it says. But she's  
20 interrupting --

21 A. It's kind of important, I mean, isn't it?  
22 Recording says what it says?

23 Q. Yeah. It might be.

24 A. You're asking me after the fact; you can  
25 hear it in the recording.



1 Q. Okay. Well, then what was she saying when  
2 she was interrupting?

3 A. That's why I'm asking you to play the  
4 audio.

5 Q. Okay. You don't remember?

6 A. I don't remember.

7 Q. Okay. That's your testimony then. And you  
8 don't recall whether or not when Ms. Klotz was reading the  
9 letter whether or not Commissioner Frenchko was stating  
10 that it wasn't on the agenda?

11 A. I don't -- again, we're going to go over  
12 this again, but there was a letter read at the prior  
13 meeting by Commissioner Frenchko that wasn't on the  
14 agenda. So if you address this again, you're addressing  
15 something that was read prior that wasn't on the agenda  
16 either, but you're trying to clear the air, I guess.

17 Q. Okay. And then after the letter was read,  
18 she was trying to respond to it?

19 A. I'm not sure. I don't remember what she  
20 was trying to respond to.

21 Q. Okay. So what we listened to, though, was  
22 that you believe that she was misconstruing your words and  
23 you interrupted her to respond to that?

24 A. What we listened to in this?

25 Q. Yes. What we just listened to in that

1 recording.

2 A. Correct.

3 Q. So on August 10th, 2022, when she was  
4 talking about something, you believe she misconstrued your  
5 words, and you interrupted her because you wanted to  
6 correct her?

7 A. She misconstrued my words, and I  
8 interrupted her because I wanted to correct her. That's  
9 fair, yeah.

10 Q. Okay. So shouldn't she be allowed to do the  
11 same thing in a meeting?

12 A. She should. At the same time when the  
13 dialogue gets to a point where it's being completely  
14 contentious, I'm just trying to rein in the meeting.  
15 That's all I'm trying to do. And when the Chair says,  
16 let's get back on track, this is enough of that and she  
17 keeps talking, I say you're being disruptive.

18 Q. Okay. Even when the Chair's the one that  
19 started the debate?

20 A. There was no debate. It was just reading  
21 this into the record.

22 Q. Okay. So your understanding is that this is  
23 not a persuasive writing or a debate?

24 A. I think this is in response to what  
25 Commissioner Frenchko read at the prior meeting, in my

1 opinion.

2 Q. Okay. So when the sheriff says -- calls her  
3 behavior reckless --

4 A. You'll have to ask the sheriff.

5 Q. We're going to, but, you know, I'm asking  
6 your understanding of this letter when you read it. You  
7 gave reading comprehension tests when you were an English  
8 teacher, correct?

9 A. Correct.

10 Q. Well, I'm giving you one. When you look at  
11 this, is this not -- is this an informational paper only  
12 or is it also persuasive in nature?

13 A. I don't think you can just look at this  
14 letter in a vacuum. I think you have to look at the  
15 letter and accusations made by Commissioner Frenchko at  
16 a prior meeting that led to this letter, in other words.

17 Q. Okay.

18 A. So there are some inflammatory or  
19 accusatory comments in here; they're because of that  
20 previous letter and previous comments made by  
21 Commissioner Frenchko, in my opinion.

22 Q. Okay. So if that's the case, then what's  
23 the harm in letting Commissioner Frenchko respond to this  
24 letter?

25 A. No harm by me. I don't know.

1 Q. Okay. So you don't think there's any harm  
2 in Commissioner Frenchko having the opportunity to respond  
3 to this letter?

4 A. At some point, though, we have to have  
5 meetings that aren't broken down entirely and we're  
6 going back and forth, back and forth, back and forth.  
7 Trying to rein the meeting in, bring the meeting back  
8 in, and when somebody's not doing that -- I think both  
9 of them had their opportunity to speak on the subject;  
10 let's move on. That's all I'm trying to do.

11 Q. So it seems like your feeling is is that  
12 there was a lot of meetings prior to July 7th, 2022, that  
13 were very argumentative?

14 A. Prior to two thousand and --

15 Q. Prior to the meeting she was arrested at.

16 A. I believe so, yeah.

17 Q. Okay. And --

18 A. Yes.

19 Q. Something that was happening all the time,  
20 correct?

21 A. For the most part.

22 Q. So in a lot of meetings there was a lot of  
23 arguments and people interrupting each other, correct?

24 A. Correct. And a lot of times trying to get  
25 people back to the agenda is what I was trying to do a

1 lot of times, except when somebody was either lying  
2 about me or putting the county at risk.

3 Q. Okay. So what's different about that?

4 A. What's different about --

5 Q. So you said normally like these meetings  
6 they get con- --

7 A. Number one, you're putting the county at  
8 risk by talking about Phillip Malvasi, could be a  
9 lawsuit. Talking about the sheriff. I don't think -- I  
10 don't think that was what we should be doing at our  
11 meetings. I'm trying to rein it back in.

12 Q. So you're saying that --

13 A. Which still could be a lawsuit, by the  
14 way.

15 Q. Okay. So you're saying that a commissioner  
16 isn't allowed to say something that if it could lead to a  
17 lawsuit?

18 A. I'm saying if it's at one of our regular  
19 meetings and the lawsuit is going to affect the entire  
20 board of commissioners, which it probably will, because  
21 all the others have, they sued the board of  
22 commissioners, I have a responsibility to speak up at  
23 least; and at least say -- not to cut her off, and she  
24 can still talk, but at least to say, you're putting the  
25 county at risk. This is an assumption. This is a lie

1 or whatever, and then -- she continues to talk. So it's  
2 not like I've -- I'm talking over her going  
3 la-la-la-la-la. You know, it's not like she doesn't  
4 finish her sentence, so -- but I do say my piece in  
5 there.

6 Q. So in the past when these arguments are  
7 occurring and people are interrupting each other and it  
8 sometimes gets out of control, you would agree that has  
9 happened in the past?

10 A. It has.

11 Q. Okay. Was anybody ever arrested?

12 A. No.

13 Q. Was ever anybody threatened to be arrested?

14 A. Well, except that incident.

15 Q. Except for July 7th, 2022?

16 A. Right.

17 Q. Okay. What was different about her behavior  
18 on that day than any other meeting previous to that?

19 A. I don't know.

20 Q. Nothing. Would you agree?

21 A. I don't know. I don't know what was  
22 different about her behavior.

23 Q. I mean, I watched a lot of meetings, and I  
24 can tell you I see constant arguments in those meetings;  
25 would you disagree with that?

1 A. There are a lot of arguments.

2 Q. And I see constant arguments where all three  
3 of you are interrupting each other; would you disagree  
4 with that?

5 A. I don't necessarily disagree with that.

6 Q. I've seen arguments where Frank Fuda is  
7 slamming his gavel and yelling. Do you disagree with  
8 that?

9 A. I remember one time that he did that.

10 Q. Only once?

11 A. I remember him slamming the gavel really  
12 hard one time, yes.

13 Q. Have you ever seen Frank Fuda interrupt  
14 speakers and guest speakers and disagree with them?

15 A. At times. In my course of being a  
16 commissioner?

17 Q. Yes.

18 A. Yes.

19 Q. Okay. So I'm just having a hard time  
20 understanding why Commissioner Frenchko is arrested or  
21 being told she's going to be removed from a meeting on  
22 July 7th, 2022, for stuff you're saying she does in a lot  
23 of meetings?

24 A. And I'm telling you, I don't know. I  
25 can't answer that question because I wasn't the one who

1 arrested her or had her arrested, so --

2 Q. There was deputies at previous meetings,  
3 correct?

4 A. There were deputies, yes.

5 Q. Okay. So if this conduct is recurring and  
6 happens all the time in front of deputies, why was she not  
7 arrested before this?

8 A. I don't know.

9 Q. So if something happens over and over in  
10 front of deputies and they're never arrested in the past,  
11 but in one meeting they get arrested, what's the  
12 difference?

13 A. You're asking me to answer for the  
14 deputies, and I don't know.

15 Q. Okay. Have you ever seen a copy of the  
16 statute that Commissioner Frenchko was arrested under?

17 A. I haven't, no.

18 Q. So you didn't receive an email from someone  
19 in May explaining that that statute existed?

20 A. Not that I recall.

21 Q. So you don't remember any member of the  
22 public emailing a copy of that statute to the  
23 commissioners and the commissioners' clerk?

24 A. I do not.

25 Q. So at some point in that meeting, it's in



1 the police report too, you tell Commissioner Frenchko that  
2 she can be removed from the meeting for disrupting the  
3 meeting, correct?

4 A. Yes.

5 Q. And why had you never told her or given her  
6 that warning in previous meetings?

7 A. I'm not sure.

8 Q. Okay. According to you, she conducts  
9 herself in the same way in every meeting, so why never  
10 provide that warning to her in the past?

11 A. I just assume she knew that.

12 Q. Okay. When you were teaching, if a student  
13 did something wrong, did you tell that student  
14 immediately?

15 A. Typically, yes.

16 Q. Did you tell them what the consequences are?

17 A. Typically.

18 Q. If the student did the same thing five times  
19 and you watched it happen and you never told them what the  
20 consequences of their actions are, would you expect that  
21 student to act any differently?

22 MS. SUDHOFF: Objection. Speculation.

23 A. Yeah, I don't know. I can't equate  
24 Commissioner Frenchko to a student of mine that I had.  
25 If that's an analogy we're trying to make, I can't tell

1 Commissioner Frenchko what to do. I can advise her and  
2 say, you know, hey, look this is disruptive and you can  
3 be removed.

4 Q. Uh-huh. Well, the things that stand out to  
5 me watching the meetings, I never heard you use the word  
6 disruptive prior to July 7th, 2022.

7 A. Okay.

8 Q. Would you have any reason to disagree with  
9 that?

10 A. I don't remember if I did or didn't.

11 Q. Okay.

12 A. I've used chaotic, disruptive, broken down  
13 to describe our meetings a lot of times. Actually, I  
14 could name a few others, too, bananas, off the rails.  
15 Yeah, now that I think about it.

16 Q. Okay.

17 A. I mean, I'm just saying.

18 Q. And you were an active participant in a lot  
19 of those debates and arguments, correct?

20 A. Most of the time I'm usually a victim of  
21 them, yeah.

22 Q. Okay. But you participate in them?

23 A. Well, I defend myself, yes.

24 Q. Okay. Isn't that what she was doing on  
25 July 7th, 2022?

1 A. I'm not sure what she was doing.

2 Q. She was being accused of making false  
3 representations, and she was trying to respond to that  
4 accusation, wasn't she?

5 A. If you say so. I don't know what she was  
6 doing.

7 Q. Okay. Well, if you think you have a right  
8 to defend yourself when someone calls you a liar, don't  
9 you think she has that right?

10 A. Well, everybody has a right to defend  
11 themselves, yes.

12 Q. Okay. So everybody has a right to defend  
13 themselves when they're called a liar, correct?

14 A. Correct.

15 Q. Okay. Then isn't she somebody?

16 A. She is.

17 Q. Okay. So if someone calls her a liar,  
18 you're -- then you're saying she has a right to defend  
19 herself?

20 A. Yes, but at the same time, I think you got  
21 to look at the entire context of what happened here,  
22 because she's calling someone else a liar, and she's  
23 calling multiple other departments liars -- or multiple  
24 members of the department liars, basically.

25 Q. I recall her reading a letter from a parent,

1 and I don't know that anything in that letter necessarily  
2 called anybody a liar. I think the issue was that the  
3 allegations from the mother is that someone didn't receive  
4 proper health care in the jail.

5 A. Right. But she never went to the  
6 sheriff's office prior to that to vet any of that. She  
7 just went with the person's opinion and what they're  
8 saying, and it was never --

9 Q. So is there some law that she has to, that  
10 you're aware of?

11 A. No.

12 Q. Is there a rule in your decorum that she has  
13 to do that prior to?

14 A. No.

15 Q. Okay. So what's wrong with that?

16 A. Nothing, and there's nothing wrong with  
17 this.

18 Q. And then there should be nothing wrong with  
19 responding to that, then, correct?

20 A. How many times are we going to go back and  
21 forth on this? At some point we have to regain control  
22 of the meeting and move on, right? That's what I'm  
23 saying.

24 Q. Okay. But if you throw a punch, you don't  
25 expect someone to punch back, I guess, verbally?

1 MS. SUDHOFF: Objection to the  
2 characterization.

3 MR. YOSOWITZ: Objection.

4 THE WITNESS: I don't know what that  
5 means.

6 Q. Well, if you make an accusation against  
7 someone in a meeting, wouldn't you expect for them to  
8 respond to that accusation?

9 A. That's exactly what this letter was doing.

10 Q. Okay. And that's exactly what she was doing  
11 after.

12 A. When do we stop it? When do we -- when  
13 are we doing the county's business here? Everybody's  
14 had a chance to air their grievances, and let's move on.  
15 That's all I was trying to do.

16 Q. Okay. Who did you call after she was  
17 arrested?

18 A. I don't know.

19 Q. Did you call your brother?

20 A. I may have.

21 Q. What does your brother do for a living?

22 A. He's the law director in the City of  
23 Warren.

24 Q. And who was prosecuting Commissioner  
25 Frenchko for getting thrown out of that meeting?

1 A. Who was prosecuting her?

2 Q. Yes.

3 A. I don't know.

4 Q. She was being prosecuted in Warren Municipal  
5 Court, correct?

6 A. She was never prosecuted, was she?

7 Q. Yes, she was, wasn't she? Charges were  
8 filed against her.

9 A. Oh, that's right. He wasn't the -- but it  
10 wasn't him that was presiding over that. He recused  
11 himself.

12 Q. But he was the attorney for the entity that  
13 was doing it, correct?

14 A. Yeah, but it wasn't his case.

15 Q. Why did you call him?

16 A. Because I call my brother.

17 Q. So right after her arrest --

18 A. Because this is bananas; did you see what  
19 happened?

20 Q. So you talked to him about the arrest?

21 A. I mean, I just said, you know, this is  
22 ridiculous where we're at right now in the county.

23 Q. Okay. What did he say back?

24 A. I don't really recall. I mean, he just  
25 said that it is crazy, yeah. Your meetings are a

1 circus.

2 Q. I think he said all the meetings are a  
3 circus.

4 A. I think that's what he was referring to,  
5 yeah.

6 Q. Did you text message your brother that day?

7 A. I don't believe so.

8 Q. Did you text message Paula Vivoda-Klotz  
9 after the meeting?

10 A. I don't remember.

11 Q. According to the police report, do you  
12 recall that Commissioner Frenchko was arrested around  
13 11:20 a.m.?

14 A. I don't remember the time, but if you're  
15 saying that, yeah, it's fine. Around that time.

16 Q. Does your number end 2497?

17 A. It does.

18 Q. Okay. You can give that back to her.

19 A. Thank you.

20 Q. Thanks. Who's John Baryak?

21 A. He is a council person in Newton Falls.  
22 Actually, council president, I believe, in Newton Falls  
23 village.

24 Q. Is he the fellow that was charged with  
25 pulling a gun on his brother?

1 A. He was.

2 Q. Newton Falls, huh?

3 A. Yeah. But I've known him my whole life.

4 Don't judge him by that one incident.

5 Q. Do you know why you would have called him  
6 after Commissioner Frenchko was arrested?

7 A. I don't. I was getting phone calls and  
8 calling and maybe calling people back. I mean, during a  
9 meeting -- our meetings usually last a long time, and I  
10 get calls. So I don't know if I missed a call from him  
11 and called him back or --

12 Q. All right. I'm going to hand you  
13 Plaintiff's Exhibit 6.

14 (Whereupon Plaintiff's Exhibit 6 was marked.)

15 Q. So you've never seen that necessarily.

16 MS. SUDHOFF: Can we have a copy?

17 MR. MILLER-NOVAK: Sorry. They all look  
18 the same.

19 MS. SUDHOFF: They do.

20 Q. I'm just going to represent to you, are you  
21 aware that we subpoenaed your phone reports in this case?

22 A. Yes.

23 Q. Okay. You said we're on 6?

24 MS. SUDHOFF: 6.

25 MR. YOSOWITZ: 6.



1 Q. I'm going to represent to you that this is  
2 the phone report we got back for your voice usage that day  
3 as opposed to your text usage. Do you understand that?

4 A. Yes.

5 Q. And is that your number at the top of the  
6 page, see the 330 -- we don't really need to read it into  
7 the record if you don't want.

8 A. Yes, yes, it is.

9 Q. That's your phone number?

10 A. Yes.

11 Q. Okay. Do you have any reason to believe  
12 that this is not a phone report provided to me by AT&T?

13 A. I don't, no.

14 (Whereupon Plaintiff's Exhibit 7 was marked.)

15 Q. You can hand that back. I'm going to hand  
16 you Exhibit 7. I'm going to represent to you that this is  
17 the report I got in response to my subpoena for your text  
18 message reports.

19 A. Okay.

20 Q. Up top, is that your phone number on -- do  
21 you see where it says it up there?

22 A. Yes.

23 Q. Okay. Do you have any reason to disagree  
24 that AT&T is your phone carrier and these are the phone  
25 reports provided to me?

1 A. No.

2 Q. You can look to see whether or not those are  
3 text messages and numbers you normally text message for  
4 any reason if you want to dispute that.

5 A. Sad because I don't know people's numbers  
6 anyway.

7 Q. No one does anymore, so that's okay.

8 A. Looks right.

9 Q. You can hand that back to her, then. Do you  
10 have any of your text messages from July 7th, 2022?

11 A. I don't believe I do, no.

12 Q. What about your text messages from  
13 July 8th, 2022?

14 A. I don't believe I do, no.

15 Q. What about July 20th, 2022?

16 A. July 20th? How do you go to a date to  
17 check that?

18 Q. You have to go to someone's text message.

19 MS. SUDHOFF: Yeah.

20 Q. Your counsel can help you. That's fine.

21 A. No, I don't.

22 MR. MILLER-NOVAK: Helen, you're going to  
23 teach me that at the end of this deposition. I didn't  
24 know you could do that. So you don't have any text  
25 messages from July 22nd, 2022?

1 A. No.

2 Q. Okay. Why not?

3 A. I don't know. Because I think we  
4 mentioned that already, but my phone was set to delete,  
5 I guess.

6 Q. Okay. I'm going to hand you what was marked  
7 in the prior deposition as Exhibit 5. She's going to hand  
8 it to you. I'm not going to have you read the first page  
9 because that wasn't sent to you. You see that was a  
10 letter sent from Dennis Watkins to Sheriff Monroe. Go to  
11 the second page, please. This is a letter sent from  
12 Victor --

13 MR. YOSOWITZ: Vigluicci.

14 Q. Vigluicci, Portage County Prosecutor. Do  
15 you see that?

16 A. Uh-huh.

17 Q. It was sent on August 5th, 2022. It was  
18 sent to the Trumbull County Sheriff's Office as well as  
19 the Trumbull County Commissioners. Do you see that?

20 A. I do.

21 Q. Did you receive a copy of this letter on  
22 August 5th, 2022?

23 A. I don't recall receiving this.

24 Q. You're saying that you did not receive this  
25 letter?

1 A. I'm saying I don't recall.

2 Q. You just don't remember?

3 A. (Shaking head.)

4 Q. It says, Dear Trumbull County Commissioners  
5 and Sheriff Palmer. I think we already discussed it was  
6 former -- looks like the prosecuting attorney got it  
7 wrong.

8 A. Okay.

9 Q. Sure that he messed that up. So it says, my  
10 name is Raymond Srp, and I've been appointed as special  
11 prosecuting attorney in Warren Municipal Court Case Number  
12 2022 CRB 1240, State of Ohio versus Michele N. Frenchko.  
13 Yesterday, August 4th, 2022, Judge Frost ordered the  
14 following to be preserved. Do you see that?

15 A. I see it.

16 Q. I'm going to skip to paragraph 2. It says,  
17 personal cell phones and county building phone logs,  
18 emails, personal text messages, written notes and  
19 correspondence, Messenger messages on Facebook, Instagram  
20 and all other app and social media platforms between and  
21 among the commissioners' staff, commissioners, sheriff's  
22 staff, the sheriff and Jim Misocky between May 4th to  
23 August 4th, 2022. Do you see that?

24 A. I do.

25 Q. Okay. So you're saying that nobody -- I

1 mean, you're saying you don't remember receiving this  
2 letter?

3 A. I don't remember receiving this at all.

4 Q. Okay. So after Commissioner Frenchko was  
5 arrested, what steps did you take to preserve any text  
6 messages that were on your phone?

7 A. Just whatever I was normally taking at  
8 that point. I don't know.

9 Q. Okay. After August 4th, 2022, what steps  
10 did you take to preserve any text messages on your phone?

11 A. August 4th or August 5th?

12 Q. I guess August 5th. What steps did you take  
13 to preserve any text messages on your phone?

14 A. The same I had been taking prior to this.

15 Q. So you took -- what steps were you taking  
16 prior to that?

17 A. That I wasn't deleting any messages. I  
18 mean -- I mean manually deleting any messages.

19 Q. Okay. But your phone was deleting messages,  
20 correct?

21 A. It had been, yes.

22 Q. July 27th, 2022, a company called Profile  
23 came to the county building, correct?

24 A. Uh-huh.

25 Q. And Profile was there to actually preserve

1 text messages and other data on your phone, correct?

2 A. I believe so. They were there to -- they  
3 were there to inspect our phones.

4 Q. To inspect your phones and back up certain  
5 information that was on your phones, correct?

6 A. I believe so. I don't remember.

7 Q. And when they were there on July 27th, 2022,  
8 you would agree that that's 20 days after Commissioner  
9 Frenchko was arrested, correct?

10 A. Taking your word for it, yeah.

11 Q. Okay. And you refused to give them your  
12 phone on that day, correct?

13 A. No. I gave them my phone.

14 Q. You're saying that you gave them your phone  
15 and you allowed them to back up and preserve evidence on  
16 your phone on July 27th, 2022?

17 A. I gave them my phone. I know that. You  
18 can call the individual that looked through it. I know  
19 that. They had it for literally half a day.

20 Q. Okay. So you're not saying that you took  
21 your phone back and saying that you didn't let them finish  
22 their work on July 27th, 2022, did you?

23 A. I let them do whatever they needed to do  
24 with it. They said they were done. I could even call  
25 the person that did it. I remember his name, at least,

1 or I remember what he looked like. I don't remember his  
2 name, but if we call the company, I can definitely  
3 get -- he took my phone.

4 Q. So they didn't have to come back and take  
5 your phone again ten days later?

6 A. I don't remember that.

7 Q. So you don't remember calling your attorney  
8 and deciding that you were concerned about private  
9 information and not letting Profile Discovery finish their  
10 work on --

11 A. I did, but they said for them to do it, so  
12 I complied.

13 Q. So that's your testimony today under oath,  
14 that you fully complied with Profile on July 27th, 2022?

15 A. I don't know about that date, but I fully  
16 complied. They had my phone.

17 Q. You fully complied ten days later.

18 A. I don't -- I don't recall that.

19 Q. Okay. So you don't recall telling them that  
20 they weren't allowed to back up all your information and  
21 you wanted to talk to your own private attorney?

22 A. When you say back up, what does that mean?

23 Q. Well, preserve the information that was on  
24 your phone.

25 A. That day that they came to get my phone, I

1 gave that to them.

2 Q. Okay.

3 A. I had questions for the attorney, but they  
4 never came -- that I recall, they never came back and  
5 did it. I know that I gave them my phone when they  
6 wanted it.

7 Q. To your knowledge, did they preserve any  
8 information that was on your phone that day?

9 A. I didn't even know what they were looking  
10 for. They had my phone for half the day. I can  
11 remember I think -- I believe it was a commissioners'  
12 meeting or -- no. It was either a Thursday or Friday,  
13 and I believe it might have been Friday, and I was  
14 asking them, are you guys almost done yet? They were in  
15 the hearing room, and they gave it to me like right at  
16 4:00.

17 Q. So if I happen to have video footage of them  
18 saying that they were not going to complete their work  
19 that day because you didn't want them to, you're saying  
20 that that would be inaccurate?

21 A. I don't remember that. I know I gave them  
22 my phone ultimately, and they did whatever -- they had  
23 it for literally half a day.

24 Q. So at any point they didn't tell  
25 Commissioner Frenchko standing right in front of you that



1 they were going to have to return at a later time?

2 A. No, not for me.

3 Q. Okay.

4 A. Not that I remember. I mean, they had my  
5 phone the whole day, at least half the day. And they  
6 told me everything's fine. They got what they needed.

7 MS. SUDHOFF: Can we take a break real  
8 quick?

9 MR. MILLER-NOVAK: We'll take a break.

10 (Off the record.)

11 MR. MILLER-NOVAK: Go back on the record.

12 (Whereupon Plaintiff's Exhibit 8 was marked.)

13 Q. Before we go on, so you're saying that --  
14 did Sheriff Monroe ever talk to you about maintaining  
15 evidence on your phone?

16 A. To me?

17 Q. Yes.

18 A. No.

19 Q. Did the prosecutor ever talk to you about  
20 maintaining evidence on your phone?

21 A. Not that I recall.

22 Q. Have you ever seen this letter before?

23 A. I don't recall.

24 Q. You don't remember?

25 A. (Shaking head.)

1 Q. Okay. Hand it back to her. When did you  
2 change the setting on your phone that automatically  
3 deleted records or automatically deleted text messages?

4 A. It deleted everything, I think, calls and  
5 all that stuff, I believe. Or -- I don't know -- I  
6 shouldn't say that. I don't know if it did calls. I  
7 don't know. I believe it was after I found out that it  
8 was -- that you can't do that, obviously.

9 Q. Okay.

10 A. Or actually you can manually change that.

11 Q. What day did you find that out?

12 A. I don't know. I don't know.

13 Q. Do you know if it was when Profile came?  
14 Did they tell you that?

15 A. They did not.

16 Q. Okay.

17 A. The owner took my phone. I remember that.  
18 It was the owner of the company. He was a big guy.  
19 Ex-military, and he owned the company.

20 Q. So I'm going to ask maybe one more time. So  
21 you're saying on July 27, 2022, when that guy came in your  
22 testimony is that you allowed him to take your phone on  
23 that day?

24 A. I don't know about that day, but I know  
25 when he was in the office, I gave him my phone that day

1 he was in the office.

2 Q. Was there more than one day he was in the  
3 office?

4 A. I don't know. I don't think.

5 Q. Was there also a preservation order in  
6 another case at that time?

7 A. I believe so. Maybe.

8 Q. Okay. So there was a separate preservation  
9 order at that time?

10 A. I thought it was preserving the documents  
11 for the amount of time that you had to preserve them  
12 for.

13 Q. What did you do to ensure that you were  
14 preserving the documents?

15 A. What did I do to make sure?

16 Q. Yes.

17 A. I don't -- just automatically assumed I  
18 had them on my phone.

19 Q. So my understanding is Profile was there for  
20 another lawsuit to preserve records, correct?

21 A. If that's what you're saying, yeah. I  
22 don't remember.

23 Q. And they showed up on July 27th, 2022.

24 A. I don't know.

25 Q. Okay.

1 A. I know when -- I remember having a  
2 discussion with Kathleen Minahan, telling her that I  
3 didn't want to relinquish my phone and give my phone up  
4 to anybody and they're going to sift through my phone.  
5 I thought it was weird. I never heard of that before.  
6 And then she said, no, you have to. We got into this  
7 big long thing, but when that guy was in our office, I  
8 gave him my phone.

9 Q. Okay.

10 A. I remember because he had it for half the  
11 day, and they told me everything's good, and he left.  
12 He and his assistant, who was a younger kid.

13 Q. And you don't recall him coming back a  
14 second time?

15 A. I don't.

16 Q. Okay.

17 A. I would have given it to him then if he  
18 came back a second time, too. I mean, why would I have  
19 given it once and not the second time?

20 Q. I'll hold out that my understanding is that  
21 he stated he had to come back a second time because you  
22 weren't going to relinquish it the first time.

23 A. Unless he was in the office and I didn't  
24 know about it. I remember having dialogue, like I said,  
25 with Kathleen Minahan about it and she's saying you have

1 to. I said, no, I don't want to, but the gentleman was  
2 never at the office that time; at least if he was, I  
3 didn't know.

4 MS. SUDHOFF: I'll briefly object. What  
5 you said is fine, but from now on don't give any more  
6 conversations about what you had with Ms. Minahan.

7 THE WITNESS: Sorry.

8 MS. SUDHOFF: You're fine.

9 Q. I want to take one last brief break. I  
10 might be done or at least close to done.

11 MS. SUDHOFF: Okay. I'm holding you to  
12 that.

13 (Off the record.)

14 Q. So as of August 6th, 2022, what active steps  
15 did you personally take to preserve any text messages on  
16 your phone?

17 A. I don't recall.

18 Q. Okay. Nothing that you're aware of?

19 A. Nothing that I'm aware of, no.

20 MR. MILLER-NOVAK: No further questions.  
21 I'm good.

22 MS. SUDHOFF: Read. What's going to  
23 happen is she's typed down everything you said, and  
24 she'll give me a copy and we'll go over it. You can't  
25 change your answers, but if she misspelled a name or

1 didn't quite get the word you said right -- for  
2 instance, there was a moment where he said libel -- he  
3 thought you said libel and you said liability or liable,  
4 we can go through that, and then you'll sign it.

5 THE WITNESS: Okay. Today?


6 MS. SUDHOFF: No.

7 SIGNATURE NOT WAIVED

8 (Deposition concluded at 5:04 p.m.)  
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## REPORTER'S CERTIFICATE

I certify that this transcript, consisting of 105 pages, is a complete, true and correct transcript of the proceedings had and the testimony taken in this case as shown by my stenotype notes taken at the time said testimony was taken.

  
\_\_\_\_\_  
Jodie L. Algarin  
Registered Professional Reporter  
Certified Realtime Reporter

## 1 CERTIFICATE OF NOTARY

2  
3 COMPLETED BY DEPONENT:4  
5 I, MAURO CANTALAMESSA, have read the foregoing pages of my  
6 testimony or have had them read to me and have noted any  
7 changes in form or substance of my testimony with their  
8 respective corrections and the reasons on the following  
9 errata sheet(s).

10 MAURO CANTALAMESSA

Date

11  
12  
13 COMPLETED BY NOTARY PUBLIC14  
15 I, \_\_\_\_\_, a Notary Public in and for the  
16 State of \_\_\_\_\_, hereby acknowledge that the  
17 above named witness personally appeared before me, swore  
18 to the truth of the foregoing statements and signed above  
19 as his/her own true act and deed.

20 Notary

Date

21 Commission Expiration





A & A Reporting & Transcription Services  
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Youngstown, Ohio 44512

September 22, 2023

Helen K. Sudhoff, Esquire  
Fishel Downey Albrecht & Riepenhoff, LLP  
7775 Walton Parkway, Suite 200  
New Albany, Ohio 43054

RE: Niki Frenchko VS Paul Monroe, et al.

Dear Ms. Sudhoff

Enclosed please find your copy of the deposition of Mauro Cantalamessa taken on September 13, 2023. The original certificate and correction pages are attached. It is my understanding from our discussion that you will arrange to have Mr. Cantalamessa read and sign your copy of the transcript.

After the transcript has been signed, please mail the originals of Pages 104 and 105 to me at the above address. If I have not received the signed pages within 30 days of your receipt of this letter, pursuant to the Rules of Civil Procedure, signature will be waived.

Thank you for your time and consideration in this matter. If you have any questions, please don't hesitate to call me at the above number.  
Sincerely,

Jodie L. Algarin

Enclosure

cc: Atty. Matt Miller-Novak  
Atty. David Betras  
Atty. Helen Sudhoff  
Atty. Andrew Yosowitz

<p><b>MR. BETRAS:</b> [1] 59/18  <b>MR. MILLER-NOVAK:</b> [9] 59/21 60/15 60/20 72/17 88/17 90/22 97/9 97/11 101/20  <b>MR. YOSOWITZ:</b> [3] 85/3 88/25 91/13  <b>MS. FRENCHKO:</b> [1] 45/15  <b>MS. 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